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RECENT CASES.

BAILMENT.

Garnishment—City Funds in the Hands of Officer.—Marx et al. v. Parker et al., 37 Pac. Rep. 675. Action was brought against the defendant—a city marshal—and the plaintiff, to satisfy the judgment debt, garnisheed public funds deposited by the defendant in a bank. The Court held, that, where an officer holds public funds, whether required to give bond or not, he is to be considered as a bailee subject to strict accountability, and not as a debtor with title to the funds.

Election of Remedies.—Miller v. Hyde, 37 N. E. Rep. 760 (Mass.), Judgment was recovered in an action of trover against the bailee of a horse, who had sold the animal and appropriated the proceeds to his own use. The estate of the bailee proving worthless, execution was levied on the horse, which, however, was taken on replevin, before sale, by the defendant's vendee. The modern doctrine in trover being that judgment and satisfaction, not judgment alone, vest the title in the defendant, the plaintiff was not estopped from recovering the property by replevin.

Bailment—Money Collected by Officer of Corporation—Evidence.—Carico v. Fidelity Investment Co., 37 Pac. Rep. 29 (Col.). It is not a good defense for an officer of a corporation to set up that his services as secretary were gratuitous, and that the money, which passed through his hands to the treasurer, was stolen from his safe before he paid it over to the treasurer, if the evidence shows a mixing and confusion of such money with defendant's, or that there was unnecessary delay in paying over such money after demanded. The changing and confusing it with his own money amounted to a conversion, and hence at the time of the alleged robbery he was not a bailee but the debtor of the company for the amount.

CONSTRUCTION OF STATUTES.

Street Railroads—Compensation for Use of Streets—Connecting Routes—Construction of Statutes.—Mayor, etc., of City of New York v. Manhattan Ry. Co., 37 N. E. Rep. 494 (App.). This was an action against the Manhattan Railway Co. as lessee and successor of the New York Elevated Railroad Co., for an accounting. Under Laws